

REMARKS

Claims 1-52 are pending in the application. Claim 37 has been amended, and claims 7-19, 23, 25-27, 35, 44, and 49 have been withdrawn pursuant to a restriction requirement. Further, Claims 1-6, 20-22, 24, 28-34, 36, 38-43, 45-48, and 50-52 have been allowed. No new matter has been introduced by the amendment.

Rejection Under 35 U.S.C. §102(b)

Claim 37 has been rejected over Loveless. This rejection is overcome in view of the amendment of claim 37 together with the following remarks.

Claim 37, as amended, recites a beverage selection manifold in which a positionable body including a continuous fluid path therein is positionable adjacent to the section in a first body position relative to the manifold body and a second body position relative to the manifold body. A lock prevents the unintentional change of the position of the positionable body with respect to the section of the manifold. As previously asserted, in contrast to the manifold recited in claim 37, Loveless discloses a valve housing (51) that is attached to a manifold member (16) in a single position. The valve housing includes a valve rod (56) that can be moved to open and close fluid passages through the valve housing.

The Applicants' assert that their claimed beverage selection manifold is structurally distinct from the apparatus of Loveless, and that, beyond the definition recited in the preamble, the recited structure distinguishes claim 37. The claimed beverage selection manifold differs from Loveless because the switching device is a positionable body that includes a continuous fluid path within the positionable body and a lock to prevent unintentional change of position. Depending upon the position of the positionable body relative to the manifold, fluid is directed from the manifold body through the continuous fluid path within the positionable body. Accordingly, the Applicant's positionable body is designed to form different fluid paths from the outlet opening in the manifold depending upon the position of positionable body relative to the manifold.

In contrast, Loveless attaches a valve housing to the manifold and changes the fluid path by adjusting mechanisms within the valve housing regardless of the

orientation of the valve housing to the manifold. Accordingly, the device disclosed by Loveless does not construct separate fluid pathways through which fluid is directed from the manifold body depending upon the position of a positionable body relative to the manifold.

The applicants have made a novel and non-obvious contribution to the art of beverage selection manifold design and operation. The claims at issue distinguish over the cited reference and are in condition for allowance. Accordingly, such allowance is now earnestly requested.

Respectfully submitted,

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